(XLIId YEAR.) THE (No. 2076.)

MARYLAND GAZETTE.

THURSDAY, OCTOBER 26, 1786.

To DANIEL of ST. THO. JENIFER, Eſquire.

SIR,

THE intention of my addreſs was to counteract the ungentlemanly and diſhonourable method you had taken to injure private character and reputation, by miſrepreſenting in *private* letters *public* tranſactions, when the preſs was open to you. Conſcious of the guilt, implied by the reproaches contained in my addreſs, you have not been inſenſible of their ſtings, and to prove your innocence you have deſcended to the moſt virulent abuſe and impertinent invective. Notwithſtanding your formal proteſt againſt a conduct of this ſort in the beginning of your publication, it muſt be apparent to every impartial reader, that your chief motives have been to vilify and traduce. Your indecent ſarcaſms, puerile ſtrictures, and *glimmers* of wit, which prove nothing but the rancour and malevolence of the author, and are unimportant to the public, are too contemptible for my notice.

You have endeavoured to prove that the commiſſioners have received orders on the treaſury for conſiderable ſums of money, when upon a fair ſtate of their accounts, if they were not indebted to the public, very little was due to them; but this has not been done by facts and arguments, but by deliberate falſhood and miſrepreſentation. That you ſhould have oppoſed the paſſage of the commiſſioners account, and exerted every faculty of your ſoul to prevent it, is by no means ſtrange, becauſe the inveſtigation of their claim involves in it the propriety and rectitude of your conduct when intendant of the revenue, ſo far as it related to the reſales of confiſcated property directed by you; and the allowance of their claim implies a diſapprobation of your conduct. That you ſhould ſtill miſunderſtand this ſubject, after the full diſcuſſion which it had before the governor and council, and after the great pains you have taken to develope it, is a little wonderful. It will readily be admitted that if they have charged and received a double commiſſion of £.1786 10 on property ſold to the amount you mention, that the charge was both illegal and unjuſt. But no ſuch charge has been made by the commiſſioners, nor did it ever *float* in their imagination. That they charged a commiſſion on the reſale of Nanticoke manor, amounting to £.164 2 6, and on other property reſold by them, to the amount of £.223 16 10, is certainly true; and in my judgment it is equally certain and true that they were entitled to it, whether conſidered in a legal or equitable point of view.

Let us examine this ſubject. To enable the public to decide fairly on it, it is neceſſary that there ſhould be a fair, true, and candid ſtate of facts laid before them. To do this it is neceſſary to recur to the ſeveral acts of the general aſſembly under which thoſe ſales were made, on which the commiſſion aroſe. The general aſſembly at their ſeſſion in May 1781, which did not end until ſome time in the laſt week of June following, paſſed an act for the emiſſion of paper money to the amount of £.200,000 on the ſecurity of double the value in lands, to defray the expences of the campaign of that year. This emiſſion, at that time, was deemed by the legiſlature the only expedient to enable this ſtate to contribute its part to the ſupport of the common cauſe, by oppoſing the bold and rapid march of the Britiſh army, then under the command of lord Cornwallis in Virginia; and to provide for its own internal government and ſecurity. To ſecure the certain redemption of this emiſſion, and as far as poſſible to prevent its depreciation, it was neceſſary that the funds ſhould be ample and undoubted. The principal fund for its redemption was the confiſcated property pledged and directed to be ſold by the act before mentioned, which, for the information of the public, I will here particulariſe. The commiſſioners were directed to ſell "the ſeveral manors in the counties of St. Mary's, Kent, Charles, Queen-Anne's, Dorcheſter, Somerſet, and Worceſter, which belonged to the late lord proprietary, and which remained unſold by the commiſſioners of the late lord Baltimore, and alſo all the property of the perſons commonly called by the name of the Principio Company; and alſo all the property in this ſtate of Anthony Bacon, John Everſfield, Andrew Buchanan, James Brown, and company, Mackie, Spears, and company, James Chriſtie, John Buchanan, John Glaſsford, and company; the heirs of John Hyde, the heirs of Samuel Hyde, and the heirs of Thomas Bladen; and alſo the property of the following Britiſh ſubjects, to wit: Daniel Dulany, ſon of Daniel, Daniel Dulany, ſon of Walter, and Henry Addiſon, clerk, Jonathan Boucher, clerk, and Anthony Stewart;" with ſome exceptions as to parts of the groperty of the Principio Company, Henry Addiſon, Daniel Dulany, ſon of Walter, and Daniel Dulany, ſon of Daniel. The commiſſioners were directed to lay off moſt of the lands to be ſold by this act in convenient parcels, as they might judge moſt advantageous. And it was alſo by the ſaid act enacted, "that the ſaid commiſſioners ſhould not proceed to the ſale of any property under this act, as belonging to any of the ſaid perſons, and being confiſcated becauſe of their being Britiſh ſubjects, but what they ſhould be fully and clearly ſatisfied did belong to them, and had not been ſold or conveyed before the firſt day of December, 1779; and if any claim ſhould be put in to any part of the ſaid lands, which ſhould appear well grounded in law or equity, or which the commiſſioners ſhould have reaſon to believe the general aſſembly would admit, that then the commiſſioners ſhould delay ſelling the land or eſtate ſo claimed, and make return of the ſame, and the claim thereto, to the general aſſembly at their next ſeſſion." I have inſerted this clauſe, becauſe I perceive very improper concluſions and inferences have been drawn from it; and it was alſo declared by the ſaid act, "that on any ſale, the eſtate ſhould not be diveſted out of this ſtate, until the purchaſe money and intereſt ſhall have been fully paid."

The commiſſioners were alſo directed to ſell, by an act of the ſame ſeſſion, chap 33, all the property, real, perſonal, or mixed, which belonged to James Ruſſell, and company, on the terms mentioned in the ſaid act. This property was pledged for the redemption of the paper emiſſion, commonly called black money, and conſiſted of upwards of 12,000 acres of land, beſides perſonal eſtate, lying chiefly in Baltimore county.

The commiſſioners were alſo directed by an act of the ſame ſeſſion, chap. 37, to ſell, with the approbation of the governor and council, Whetſtone-point, and other property ſpecified in the act.

At the cloſe of the ſeſſion, which was late in the month of June, it was plainly foreſeen that ſurveys of all the lands could not be made previous to the ſales, ſo as to anſwer the intentions of the legiſlature. The governor and the council ſaw the neceſſity of ſupporting the credit of the red money, and urged the commiſſioners to proceed to the ſales of the property pledged for its redemption with all poſſible expedition. They informed the commiſſioners they were apprehenſive that there could be no great reliance on the ſubſcriptions directed to be opened by the act, and that they had reaſon to believe they would not be ſo generous as was at firſt expected; and it was obſerved by the board, that it did not appear to them to be neceſſary to have all the property, and particularly the manors, ſurveyed previous to the ſale, as the ſurveys might be afterwards made without inconvenience. The idea of the governor and council perfectly correſponded with the opinion which the commiſſioners had formed upon a conſideration of the circumſtances of the ſtate. Much depended on exertion at that critical period. As about ſeven eighths of the property directed to be ſold lay on the weſtern ſhore, it was determined that the property on the weſtern ſhore ſhould be diſpoſed of before any thing was attempted on the eaſtern. After a conſiderable progreſs in the buſineſs here; after all the manors in St. Mary's and Charles counties were diſpoſed of, without previous ſurveys, the ſales on the eaſtern ſhore began.

Some time in the month of January 1782, the commiſſioners proceeded to the ſale of Nanticoke manor. They were in poſſeſſion of a plot and other papers which they had obtained from the revenue-office, which had been made a few years antecedent to the commencement of the revolution, by a ſurveyor of Dorcheſter county, upon which were laid down the leaſes of each particular tenant, and alſo ſeveral ſmall tracts of patented land, ſome of which had been grnted in the uſual manner, and others had been ſold by the commiſſioners of the late lord Baltimore. The town of Vienna being comprehended within the manor, thoſe parts of it which remained unſold, were diſpoſed of in lots agreeable to their ancient location. After obtaining the beſt information which could be procured, the manor was ſold in lots, in ſuch proportions as appeared to the commiſſioners would moſt contribute to an advantageous ſale. The extent of each lot was defined and circumſcribed on the plot by which the commiſſioners were governed, and by which it appeared what particular leaſes would be included in each lot. A number of people attended the ſale, and a ſpirit of bidding prevailed, which occaſioned the property to ſell very high, and greatly beyond its real value.

I will not pretend to ſay what length of time elapſed before the petition was preſented to the legiſlature, upon which the act paſſed, under which you declared the ſale void. I well remember, that in a former petition *the high price* given for the land was urged by the petitioners as one reaſon why the ſale ſhould be declared void, and the purchaſers releaſed from their contract; another reaſon was alſo urged, that many of the purchaſers were affected by claims ſet up by Pritchet Willey, and others, which were apprehended to be unjuſt. The circumſtances of the ſale, together with the claims ſet up to parts of the manor, were repreſented to the general aſſembly by the commiſſioners, I think, in the year 1783; upon which, or the ſuggeſtion in a petition then before them, executions againſt the purchaſers were ſuſpended until the end of the ſeſſion then next enſuing. About this time, or perhaps in the year 1782, petitions were preferred by purchaſers of other manors, ſetting forth, that they had given greatly more than the actual worth of the lands, which had been ſold without a ſurvey, and praying to be releaſed from their engagements. But theſe petitions were very juſtly rejected. I am too well acquainted with all the circumſtances of this tranſaction, not to know, that it was *principally* the *extravagant price* which the manor ſold for which induced the purchaſers to prefer a petition to be releaſed from the purchaſe. Little was to be riſked, but much might be gained by the experiment. It has been admitted that in ſome few inſtances the purchaſes lay ſo very different from what was apprehended from a view of the plot by which thoſe lots were ſold, that it would have been unjuſt not to have releaſed the purchaſer; this happened from circumſtances which it was impoſſible for the commiſſioners to guard againſt. There were ſmall tracts of patented land in the manor, which even thoſe who lived near the ſpot, knew nohitng of; but it ſhould be remembered, that neither on the ſales of thoſe lots, nor on ſuch as were affected by the claims ſet up by Pritchet Willey, and others, was a commiſſion ever claimed or charged.

You ſay, it was proved to the ſatisfaction of the delegates that the lands which the purchaſers thought they bought, would not fall to them by following the plot uſed by the commiſſioners. This aſſertion cannot be credited, becauſe ſuch proof was not even *offered* to you; and it does not appear from the preamole of the act, that any proof was taken before the houſe of delegates. The legiſlature did not decide on the merits of the petition, but authoriſed you to inquire into the truth of the allegations ſuggeſted in it, and to act accordingly. Whether the evidence upon which you undertook to declare the ſale void, was ſufficient to authoriſe and juſtify the act, will beſt appear from a peruſal of the act itſelf. It recites that "whereas a great number of the purchaſers of Nanticoke manor have, by their humble petition to this general aſſembly, ſet forth, that at the time when the commiſſioners for the ſeizure and confiſcation of Britiſh property made ſale of ſuch manor, no actual ſurvey thereof had been made previous to the making ſuch ſale, and in conſequence thereof, as appears from an actual ſurvey ſince made of ſaid manor, that ſeveral of the purchaſers are greatly injured by elder ſurveys running into their lots, and that many of the lots are totally different in toil, ſituation and improvements, from what appeared on the old plot, by which the commiſſioners were directed when they made the ſaid ſale; and that a certain Pritchet Willey, as well as ſundry others, claim a conſiderable part of ſaid manor in virtue of grants obtained from the late proprietary before the revolution, many of which there is juſt ground to believe have been fraudulently and unjuſtly obtained: And whereas all the purchaſers of ſaid manor have paſſed bonds for their ſeveral purchaſes, and it is thought juſt and right, under ſuch circumſtances, that ſuch ſales ſhould be ſet aſide;" and then enacts, "That the intendant of the revenue ſhall have full power and authority to inquire into the ſaid ſales, and if it appears to him that any of the purchaſers have been deceived in the purchaſes, by means aforeſaid, and ſuch purchaſers ſhall chooſe to be releaſed from the purchaſe, the ſaid intendant ſhall have full power and authority to declare ſuch purchaſe, in which the purchaſers has as aforeſaid been deceived, and elects to be releaſed from, void; and thereupon the boud or bonds taken from ſuch purchaſer or purchaſers ſhall be given up, and the commiſſioners for preſervation and ſale of confiſcated property ſhall, under the direction of the intendant, after giving two months notice in the Maryland Gazette, ſell all ſuch parts of ſaid manor as are thus diſengaged, and all other parts of the ſame, which it ſhall appear, upon an actual ſurvey

thereof, have not been ſold, and which are clear of elder ſurveys and patents?" It is alſo further enacted, "That the intendant of the revenue ſhall be, and hereby is empowered and required, to inquire into the ſeveral grants that have iſſued for lands within the ſaid manor; and where it ſhall appear to him that ſuch grants have been fraudulently or illegally obtained, that the attorney-general be directed to take ſuch ſteps as will bring the validity of ſuch grants to a legal deciſion."

From theſe recitals, the grounds upon which the legiſlature proceeded, are apparent. There was no complaint in the petition againſt the conduct of the commiſſioners. You have cautiouſly avoided entering into a minute detail of the evidence upon which you ſet the ſale aſide; had this been done, you would have condemned yourſelf. Although Mr. Hollyday's letter is evidence, that the commiſſioners were deceived as to the ſituation of the lots he purchaſed, yet it by no means follows, that they were deceived in the ſituation of other lots, or that the ſale was made in a confuſed manner. It has already been obſerved, that no commiſſion has been charged on the commiſſion of lots affected by the claim of Pritchet Willey, or any other perſon, nor on thoſe materially affected by patented land. It remains then for you to prove, that in every caſe where the ſales were ſet aſide, that the lots were *totally different in ſoil, ſituation and improvements, from what appeared on the old plot, by which the commiſſioners were directed when they made the ſale.* I aver, and ſo the truth is, that there was no deſcription of *ſoil* or *improvements* on the old plot; and that in general the ſales were ſet aſide upon the moſt frivolous pretexts without ever hearing any teſtimony on behalf of the ſtate. I am not now poſſeſſed of the evidence which governed your conduct, the depoſitions being in your poſſeſſion, but I have the ſubſtance of them upon memory. You permitted one purchaſer to retain ſuch part of the lot he purchaſed as he thought proper, and relinquiſh the remainder, which he had ſold ſhortly after the ſale. It muſt be admitted by every diſpaſſionate man, that if a purchaſer had juſt cauſe to be releaſed from his purchaſe, the whole ought to have been given up, and not a particular part. By retaining the moſt valuable part, and giving up that which is leſs valuable, the ſtate muſt ſuſtain an injury, becauſe on a ſecond ſale of the part relinquiſhed, it muſt ſell for a leſs ſum *by the acre*, than if the whole was ſold together. You releaſed another puchaſer under a pretence ſet up, that there was more marſh and leſs upland than was expected at the time of the ſale, when on recurring to the original ſale, made by the very man whoſe depoſition was taken, the contrary appeared. If the ſuggeſtion had been true, the purchaſer could have had no pretence at law or in equity to be exonerated, as he knew that neither the quantity of marſh or upland was aſcertained on the day of ſale, and there could be no aſſertion of the commiſſioners as to the quantity of either, and the *probable* quantity only was mentioned in any caſe. Another reaſon why the ſale of this lot ought not to have been ſet aſide, is, that the proprietor at this time was not the original purchaſer, nor was he a reſident of the ſtate at the time the ſale was made, as I have been informed and believe, but had given a conſiderable premium for the purchaſe to the firſt purchaſer; and after he had built ſeveral veſſels, and deſtroyed the moſt valuable timber on the lot, and rendered it much leſs valuable than at the former ſale, he was permitted, by you, to relinquiſh the purchaſe. Another purchaſer ſuggeſted, that according to the former ſale, all the land included in a particular leaſe was ſold to him. The very reverſe appeared on the face of the ſale, and yet you exonerated him from the purchaſe. You permitted purchaſers to ſwear for one another, when it was impoſſible that the party ſwearing could know whether he was ſwearing true or not. A. was permitted to ſwear that B. was deceived; and B. to ſwear, that at the time of the ſale, A. *conceived* that his lot lay differently from what he apprehended. Pretexts ſuch as theſe, were deemed by you a ſufficient juſtification for declaring the ſale void, and directing a reſale. If you had examined the original papers, then in your poſſeſſion, you muſt have been convinced, that the proceedure was unjuſtifiable. Although you was acting as truſtee on behalf of the public, you never ſought for information on behalf of the ſtate; but upon this ſlight teſtimony, this *ex parte* hearing, the ſale was ſet aſide, not only in inſtances where *you* may pretend the evidence ſatisfied you, but in others where no application was made to you. Several of the purchaſers declared, that they had never ſpoken to you, and inſiſted on retaining their purchaſe agreeable to the original ſale, and do retain them to this hour.

Now, Sir, if it was admitted, that the right of the commiſſioners to a commiſſion on the reſale of Nanticoke manor, depended on the propriety of your conduct in declaring the ſale void, what muſt be the determination? Whether the queſtion ſhould be decided in a court of law or equity, in my judgement, our right is clear and indiſputable. Your argument, to prove that we are not entitled to a commiſſion on the reſale, becauſe it is not expreſsly given by law, ſcarcely deſerves to be conſidered. The two and an half per cent. commiſſion was given in an act paſſed in January 1782, and it is never afterwards mentioned in any law directing the ſale of confiſcated property; ſo that if it proves any thing, it will prove that we are not entitled to a commiſſion on the ſales of any property made in the years 1783, 1784 and 1785. You have ſaid, that a charge *of double commiſſion on buſineſs finiſhed but once*, will readily be admitted to be extraordinary. It is anſwered, that the buſineſs of the firſt ſale was completely finiſhed; the bonds were taken and lodged in the treaſury, and this appears in the recital of the act which authoriſed you to inquire into the circumſtances of the ſale, and of courſe, your acute reaſoning will not apply; and upon your own principles you muſt give up the point. It is ſaid, that the intention of the legiſlature muſt decide the queſtion as to the legality of the charge, and that the principles of juſtice muſt determine the equity of the claim. Let me aſk, if it is reaſonable to ſuppoſe that the legiſlature, or any member of it, could expect that the ſales would be ſet aſide, unleſs it could be ſatisfactorily proved, that the purchaſers had been deceived in the manner they had ſet forth? Was the intendant of the revenue, under the act referred to, to exerciſe an arbitrary diſcretion? Theſe queſtions muſt be anſwered in the negative. Some certain rule ought to have been followed. It was the incumbent and indiſpenſable duty of the intendant to have ſought for evidence on behalf of the ſtate. Written evidence could have been furniſhed, which muſt have countervailed the teſtimony he had taken on behalf of the purchaſers, and a different conduct would have been adopted. You acknowledged before the governor and council, that one reaſon which, amongſt others, induced *you* to ſet aſide the ſale, was, that you expected the manor would ſell for more on a ſecond ſale than it did on the firſt. The event proved you were miſtaken, and by declaring it void, and directing a reſale, the ſtate loſt, by the difference between the two, and the conſequent loſs of intereſt, upwards of two thouſand pounds. The legiſlature of the ſtate of Maryland direct a particular ſervice to be perfoimed,—they appoint their truſtees or agents, who are to have a ſtipulated reward, and proceed to diſcharge their truſt, as they contend, according to the true and liberal conſtruction of the act under which they derive their authority; the ſervice is performed. Some time afterwards, thoſe who have made contracts with the agents or truſtees, who have acquired rights to, and created obligations on themſelves, find it their intereſt to endeavour to exonerate themſelves from their contracts and obligations thus entered into. They petition the general aſſembly to be exonerated, and allege, that they have been deceived as to the ſoil, ſituation and improvements, of the property purchaſed, but do not pretend to ſay, that there was fraud, or any intention to deceive, in the agents or truſtees. The legiſlature appoint a third perſon to inqure into the circumſtances of the caſe, and exonerate the purchaſers if they have been deceived in the manner ſet forth. He makes the inquiry, and although he cannot ſay, upon the evidence diſcloſed, that they have been deceived as they repreſent, yet, as he has reaſon to believe that the ſtate will be benefited by a ſecond ſale of the ſame property, he ventures to releaſe the purchaſers from their contracts. I aſk, if there is a lawyer of character in the ſtate pho will aſſert, that becauſe the purchaſers are exonerated from their contracts, it follows as a conſequence that the agents are to loſe their commiſſions? I believe there is not one. If the loſs of the commiſſion is a neceſſary conſequence of the exoneration of the purchaſer, then would the right of the agent or truſtee depend on the will of the individual appointed by the legiſlature to make the examination. They would be deprived of their rights, unheard, not in any eſtabliſhed court of judicature, not by the judgment of their peers, nor by the law of the land, contrary to the principles of our declaration of rights, which ought to be ever inviolably adhered to. Had the legiſlature, in the act to veſt certain powers in the intendant of the revenue reſpecting Nanticoke manor, inſerted a clauſe to the following effect, "And be it enacted, That if it ſhall appear to the intendant of the revenue, that the purchaſers of ſaid manor were deceived as to the ſoil, ſituation and improvements, of the lots by them purchaſed in the manner ſet forth, then the commiſſioners ſhall not be entitled to any commiſſion for their ſervices;" I contend that this would not have deprived them of their right to the commiſſion; and the law being contrary to the principles of the declaration of rights, would have been of no validity. A law repugnant to the principles of our declaration of rights, and not founded upon the immutable rules and principles of juſtice and equity, is in itſelf null and void; nor are the makers of it legiſlators, but oppreſſors, In vain would it be to attempt a ſuperſtructure, which can or ought to be approved, upon a foundation which merits nothing but indignation and contempt. Was I in the ſituation which your conduct, and arguments in ſupport of it, would place me, I ſhould conſider myſelf deprived of the rights of a citizen of the ſtate, and as much a ſlave as the ſubject of the moſt tyrannical and unlimited monarch on earth.

To conſider the ſubject upon the principles of equity. I truſt that there are few who will queſtion the ſincerity of the commiſſioners when they aſſert, that they were actuated by the motives they have ſuggeſted when they were making the ſales; the reaſons were aſſigned at the time; they were then tranſacting the public buſineſs for a *per diem* allowance. The ſale of Nanticoke manor was the firſt upon which a commiſſion was drawn; and as the act was paſſed after they left Annapolis, it was not until after their return that they knew that they were entitled to any thing more than the *per diem* allowance. Had they been ſelling property in the year 1781 on commiſſion, calumny and detraction might have aſſigned different motives. You have admitted that you believe their motives to have been as ſuggeſted. Their attention could not be turned to the buſineſs of the ſales on the eaſtern ſhore, without neglecting thoſe on the weſtern, which were of much greater importance to the public. I may now aſk, if this is a true and candid ſtate of the caſe, and I aver that it is, if a court of equity would heſitate to give the ſtipulated reward? I conceive it would not. Upon a fair and liberal conſtruction of that part of the act which directs the property to be laid off in convenient lots, conſidered in one ſenſe, it means nothing more than a prohibition to ſell the property in large parcels, whereby numbers would have been prevented from bidding to the great injury and diſadvantage of the public. The words of the act are, "ſhall and may be laid off in convenient parcels by the commiſſioners, as they may judge moſt advantageous, and expoſed to ſale, &c." But ſuppoſe the chancellor ſhould be of opinion that a ſurvey was neceſſary, previous to a ſale, would he heſitate to decree an equitable compenſation for the ſervice? And if an equitable compenſation for the ſervice, independent of ſtipulations for reward, ſhould be decreed, would it not exceed the two and an half per cent. commiſſion?

It is inſinuated by you, that at the time Mr. Hollyday and I remonſtrated againſt the paſſage of the bills directing reſales of Nanticoke manor, and of the unbonded property, that it was our own opinion that we ſhould not be entitled to a commiſſion on the reſales. Your memory, Sir, ſerves you to recollect or forget, as beſt ſuits your purpoſe. There was not a ſyllable either in Mr. Hollyday's memorial, or my remonſtrance, reſpecting the reſale of Nanticoke manor. They were both on the ſubject of the reſales of the unbonded property, and I ſtated in the ſtrongeſt terms I could, my right to a commiſſion on unbonded property, and I urged as one reaſon among others, "that the ſtate was not injured, nor the delinquent purchaſers benefited, by their not having bonded agreeably to law, as they were in general opulent in their circumſtances, and the ſtate might recover judgments upon ſuits being brought againſt them." Here it may not be amiſs to obſerve, that when that remonſtrance was laid before the legiſlature, it had been agitated in the houſe of delegates, whether the whole of the property that then remained unbonded ſhould not be reſold. It was to prevent the adoption of ſo pernicious a meaſure, which the houſe had been nearly led into for want of proper information on the ſubject, that the remonſtrance was preferred. If the act had paſſed with ſuch a clauſe in it, I will undertake to ſay, that the ſtate muſt have loſt from forty to fifty thouſand pounds. I foreſaw, that if ſuch an act ſhould paſs, that the commiſſioners might be compelled to file a bill in chancery to recover their commiſſion, but never entertained a doubt about their right to it; and this is known to every gentleman with whom I have converſed on the ſubject. If you will recollect, you muſt remember, that I expreſſed the ſame opinion to you, when application was made to you for payment of the commiſſion ariſing on the reſale of Nanticoke manor; and yet you will intimate that this is an opinion *now* taken up. My character has never been remarkable for the fluctuation of my opinions, or the verſatility of my conduct.

A commiſſion has been charged on the reſale of a lot of Monococy manor, which had been ſold in September 1782; the lot was ſold clear of incumbrance, as none appeared on the day of ſale, nor was there indeed any. On the petition of Andrew Adams, the general aſſembly directed a reſale of the lot by a reſolve paſſed at November ſeſſion 1783. As the reſolve contains a ſtate of the caſe, it is here inſerted.

"Whereas it appears to this general aſſembly, that Martin Adams, late of Frederick county, in obtaining a leaſe for lives of certain lands on Monococy manor from the proprietary agent, by miſtake had the name of Henry inſerted inſtead of Andrew; and whereas the ſuppoſed life eſtate in the lands was, by will, afterwards bequeathed to the ſaid Andrew; and whereas the lands have ſince been ſold by the ſtate, and the perſon in whom the right now is has declared his willingneſs to relinquiſh the purchaſe in favour of the petitioner: RESOLVED, That the commiſſioners for confiſcated property, after due notice, do again ſet up to public ſale the aforeſaid lot of ground, diſtinguiſhed on the preſent plot by No 29, for the uſe of Andrew Adams, his life therein, and ſell the reverſion to the higheſt bidder, on the ſame terms that the former ſale was made, and that the treaſurer deliver up any monies, certificates, or ſecurities, which may have been paid in virtue of the former ſale."

Can it be imagined by any reaſonable man, that the commiſſioners were to perform theſe ſervices without any compenſation or reward? It is clear, beyond a doubt, that the reſale was directed by the legiſlature, through favour to the petitioner, and not from any fault or miſmanagement of the commiſſioners. Can it be ſuppoſed that it was the intention of any one member of the general aſſembly, that the commiſſion on the reſale was not to be paid? The bond of the purchaſer at the former ſale was taken, lodged in the treaſury, and the greater

part of the certificates, for which the property was sold, had been paid.

I come now to speak of the commission on the resales directed by you to be made, under the act to establish funds, &c. This amounts to £. 218 3, and arises on the resale of the property sold under different acts of assembly, and purchased at the first sales by different persons.* To enable the reader to form an opinion on this subject, it is necessary that that clause of the act, under which the resales were directed, should be published. "And be it enacted, That every purchaser of confiscated British property, who hath not given bond, shall give bond before the first day of April next, with such security as the commissioners for the sale and preservation of confiscated British property, under the direction of the intendant of the revenue, shall require, for the payment of the purchase money with interest, agreeably to the contract, payable on the first day of January, seventeen hundred and ninety, with interest annually, to commence from the first day of September last; which indulgence of payment till the year seventeen hundred and ninety, shall not extend to such bonds as may be drawn for the redemption of emissions of June seventeen hundred and eighty, but they shall be paid at the same time as others drawn, notwithstanding the time of payment mentioned in such bonds; and if any purchaser or purchasers of confiscated British property shall neglect or omit to give bond with security as aforesaid, on or before the first day of April as aforesaid, the intendant of the revenue is hereby authorised and empowered, and expressly directed to enforce, by the mode directed by the ninth clause of the act passed April session, seventeen hundred and eighty-two, entitled, An act respecting claims to confiscated British property, and to direct the commissioners in certain cases, payment of the principal and interest due by contract from such purchaser or purchasers, if the said intendant shall judge such purchaser or purchasers able to pay the same, and if unable the contract shall be void, and shall be so declared by the said intendant, and the property shall be exposed to a second sale by the commissioners aforesaid, under the direction aforesaid, for current money, or all certificates before mentioned, payable the first day of January 1790, with interest annually." From a view of this clause it is apparent that no sale ought to have been declared void, and a resale directed, unless the purchaser was unable to pay. The evidence, on which you declared these sales void, and directed resales, has never yet been disclosed to the public. Some certain and fixed rule ought to have been pursued by you in judging of the ability or inability of the purchaser. Mere will and pleasure ought not to have been the guide. By exercising an arbitrary discretion,—by deciding at random and without proper inquiry, great injury has been done to the public; and the commissioners have been compelled *unnecessarily* to perform two services at a great and heavy expence, and I will undertake to say in cases where the purchasers were not unable to pay. On the former sales, when the purchasers refused or neglected to give bond agreeably to the terms of sale, the commissioners were authorised to declare the sale void, and to sell the property again, or to hold the purchaser liable. I believe it will not be denied that the property in the instances referred to, sold extravagantly high, and greatly beyond its actual worth. Impressed with this opinion, the commissioners made it a rule to insist on the sale, hold the purchasers to their contracts, and reject, without distinction, every application to resel the property. Upon a consideration of all circumstances, this was deemed the most eligible line of conduct, not only because it was the most advantageous to the state, but because if any one purchaser had ever been indulged with a resale, every one who had given a high price for property purchased, and had made an imprudent and hasty bargain, would have expected the same indulgence; and upon every resale there must have been a certain loss to the public. No attention was wanting in the commissioners, nor any expence spared by them, to induce a compliance. Notice was given in the Gazettes from time to time, and attendance frequently given in Baltimore-town, in the neighbourhood of which most of the delinquent purchasers resided, to take bonds, but in a great measure without effect. Some urged, that they were creditors of the public, and that the state ought to discount their claims; others, that the property purchased was different from what they apprehended; and others, that claims were made which ought to be settled. These facts were often made known to you, and your advice to the commissioners was, to postpone bringing suits, and to state these circumstances to the general assembly, that they might take the subject into consideration. This was done session after session, and lists of those who had refused and neglected to bond, presented, stating the reasons of each individual purchaser for not bonding. Nothing final was done until November session 1784, when the act to establish funds, passed.—It is asked, if any rule of conscience will warrant the person who was to do the business in demanding as much for doing *one half the work*, as if he had done the whole? It is answered, certainly not; but this is not the matter in dispute. The question is more properly stated when it is put upon this footing: An agent is employed by his principal to do a particular piece of business for a stipulated reward; the business is undertaken by the agent, and proceeded on until it is almost finished; all the trouble is gone through, all the expence incurred, and scarcely any thing remains to be done; difficulties arise, and application is made to the principal, to know what is to be done: can the principal, in this last stage of the business, appoint a third person, with power to say that the business shall not be completed in the manner first agreed, and so defeat the agent's right to the stipulated reward? Can the principal, at this stage of the business, direct, that every thing be begun and done a second time, without any new reward, or for the reward first stipulated only? Can he, at this stage of the business, dismiss his agent without making him compensation for his services? If a compensation is to be made, ought it to be any thing short of the stipulated reward, when it is considered that the agent has been at more trouble, and incurred greater expence, than if no difficulty had arisen, and the business had been completed agreeably to the original contract? If these questions cannot be answered in the affirmative, the right of the commissioners to the commission contended for, must be granted. It has been observed that "if on every resale a new commission was to arise, it would be obviously the interest of the officer to multiply sales, and of course not to finish the business." To this it is answered, that the commissioners have not, by their conduct, at any time, shewn a disposition to multiply sales, nor have they ever contended for such an absurdity, that on *every resale* a new commission was to arise; and it is denied that in any case, the sale was void, if bond was not given immediately.

It is admitted that equity would consider the whole circumstances of the case, and determine what was justly due, independent of stipulations for reward. This doctrine will operate most powerfully against you, and the justice of it cannot be disputed If the commissioners are entitled to receive an equitable compensation for their services, independent of stipulations for reward, much is still due to them. They have not charged any commission on many sales which have been made where bonds were not taken, although no imputation of misconduct or mismanagement has been, or can be, made against them in these cases. By an act of April session 1782, c. 59, the commissioners were directed to sell the reserves in St. Mary's, Charles, Baltimore, and Harford counties, and on Monocacy manor in Frederick county, and Gunpowder, North-East, and Elk manors; and also those parts of the manors in St. Mary's, Charles, Kent, and Worcester counties, which then remained unsold, for specie, one third to be paid in thirty days, one other third in two years, and the residue in three years, from the day of sale. A preference was given by the act to tenants on manors, and settlers on reserves, of purchasing such parts of any manor or reserved lands as they were then settled on, upon paying such reasonable and moderate valuation therefor, as the commissioners or persons nominated by them should, on oath, determine. In consequence of this act the commissioners proceeded to have the business done. Attendance was given in Cæcil, Harford, Baltimore, Frederick, Charles, and St. Mary's counties; proper persons were appointed, and qualified, to make the valuations of the different tracts and lots to be sold; the valuations were made, and in many cases bonds were taken agreeable to these valuations. For all these services which were attended with a heavy expence, the commissioners have never received one shilling. No additional labour remained to be done by them, but to take the bond of the purchaser where it had not been given before, upon his application for a titling to the register of the land office, and to give the titling. These sales, according to my calculation, would have amounted to about £. 30,000, and the commission on them of course would be £. 750. The intendant refused to confirm the valuations, because, in his opinion, they were too low; and it must be admitted that in many instances they were too low; but, I believe, it will be found that by making the proper allowances, for the difference between specie and certificates, agreeable to *his rate of exchange*, that his sales of this property have been equally low. Are not the commissioners as justly entitled to a compensation for these services, as any citizen of the state is entitled to the property he has acquired under sanction of law? In my judgment no honest man will dispute their right, though no charge was ever made by them.

To prove that we are not entitled to a commission on any resale, it is urged, that if the legislature had intended any commission, less than two and an half per cent. would have been given; that one and an half per cent. was thought enough for the intendant, and that no more would have been given to the commissioners, had it been in the view of the legislature, that they would be paid in specie. It is answer that if, *during the war*, when our affairs wore the most threatening aspect, it was necessary that three commissioners should be appointed to carry into effect the intentions of the legislature, and to make speedy sales of the property to answer the most pressing and important public services, each commissioner, in justice and equity, ought to have been allowed as much for his services as you have been paid, *in time of peace*, when the business was less difficult, and attended with much less expence and trouble. You have boasted that your account of sales of confiscated property amounted to £. 154,296, sold by you between March and November, to upwards of 1500 persons, has been laid before the general assembly, and settled by the auditor. It is admitted that the gross amount of your sales amounts to that sum; but it is a fact that the reserves in Baltimore and Harford counties, and the manor in Cæcil county, containing upwards of 100,000 acres of land, have been sold by you without previous surveys, and bonds taken from the purchasers for a supposed gross sum, and the quantity of acres left to be ascertained at a future period. Those who have a knowledge of this subject, who are acquainted with the number of persons who have passed their bonds, and the quantities of land for which they have been given, are convinced that the deductions, upon an actual survey, will be considerable; and that there is not nearly the quantity of land sold for which bonds are taken. Yet upon this gross amount you have charged commission and paid yourself, when you were both creditor and pay-master, not only without surveys previous to the sale, but without waiting until they could be made and the quantity of each purchaser ascertained; and that there are many disputes between the purchasers is a fact that cannot be denied.

You assert, that the commissioners sold property where the state's title was disputed, and where there was reason to suppose the claims set up to it were not without foundation. You allude, I presume, to the property sold Charles Ridgely and company, and which you directed to be resold. A state of the case will enable the public to judge of the motives which actuated the commissioner who attended the sale, and also of the propriety of your conduct in directing a resale of that property. The sale was in the month of February 1782, of a lot of land in Baltimore county, containing 610 acres, which belonged to the Nottingham Company, for £. 7320 black money. At the time of the sale three different claims were made to the property; colonel Ramsey had taken the opinion of able council, who advised him that the state's title was good. It was apparent that if the property was sold, subject to the claims, it must affect the price of it, and that the state would be greatly injured. To prevent this injury to the state, colonel Ramsey agreed to warrant the state's title; and in consequence of this, the property sold for the sum before mentioned. The act which directed the commissioners not to sell any property but what they were fully and clearly satisfied belonged to British subjects, is not the law under which this property was sold, nor is there any such clause in the act directing the sale of this property. If it should be insisted that this conduct ought to have been observed in all cases, it must be allowed that the conduct of the commissioner was justifiable, not only because the property would have sold for a mere trifle, if *the right of the state only* had been sold, but because, in the words of the act, the claims, in the opinion of the commissioner, *did not appear to be well grounded in law or equity, nor were they such as the commissioner had reason to believe would be admitted by the general assembly*. But his attention to the interest of the state, and his endeavours to promote its welfare, have been frustrated by your interposition. One of the claimants who purchased a dormant claim for a small consideration, has filed his bill in chancery; but without waiting the event of the suit, and without endeavouring to purchase the rights of the claimants, or to make any compromise which would tend to the advantage of the public, you directed a resale of *the state's right to the land*; and being sold, subject to the claims, and under the incumbrance of the suit in chancery, it sold only for £. 910. It is now immaterial whether the state had a title or not; if the claims are not supportable, the state cannot be benefited. Suits were commenced by your direction against Mr. M'Alister, Mr. Croxall, and Mr. Young; the two latter were taken, the former escaped the vigilance of the sheriff. He is a resident of North-Carolina, and, according to information which I cannot doubt, is in affluent circumstances. I conceive it could not have been a matter of difficulty to have brought suit against him there, and to have recovered the money. In the other instances no suit was directed, but a resale ordered. If suit had been brought, the state must have had this advantage, that upon judgment being recovered, which may be at the first term, all the property of the debtors could have been taken in execution, besides that purchased from the public, the title to which can never be divested out of the state, until payment of the whole purchase money. It may be said, that this must have distressed, or perhaps ruined, the purchasers, but however laudable it may be in the state to be thus merciful, it certainly never can be urged as a reason that the commissioners should transact the public business without any compensation whatever.

Little need be said to expose the futility of the second objection to the account. According to custom, the sum has been exaggerated. I believe the list of balances, on the books of the commissioners, for which bonds were not given, and on which a commission has been charged, amounts nearly to £. 30,000; but when facts are stated, I flatter myself that there will not be a doubt entertained of their right to the commission. Under the act to establish funds, &c. if bonds were not given by a particular day, the purchasers were to be sued, or resales directed. You examined the list, were of opinion the purchasers were able to pay, and directed suits to be brought. The accounts were drawn off, and put into the hands of the attorney-general; suits have been commenced on the accounts, and judgments recovered for a great part of those debts. It appears to me that no reasonable man, competent to decide, will, upon examining the laws under which the commissioners acted, hesitate to say, that, when

* *Charles Ridgely, and Co. £. 7320 black money. Colonel Peter Adams, £. 750 army certificates. Charles Croxall, £. 1835 army certificates. James Young, £. 173 army certificates. Archibald M'Alister, £. 2637 specie. Gabriel P. Vanborn, £. 982 16 3 specie. Robert Long, £. 12,294 10 specie. The three last payable in certificates under the act to establish funds, &c.*

their accounts were ſtated, the balances aſcertained, and the ſuits commenced, they are entitled to the commiſſion. The buſineſs as to *them* is finiſhed and at at end. It is acknowledged that if any purchaſer ſhould deny the purchaſe, it is incumbent on the commiſſioners to prove it, to entitle them to the commiſſion: it is acknowledged that Stephen Steward, and company, are charged with the ſum you mention on the commiſſioners books, and that they do not know who the company are, but they know very well who Stephen Steward is. You ſay that he denies having purchaſed the property, and that the commiſſioners cannot prove he did, and that they do not know who was the purchaſer, and all this you aſſert with as much confidence and effrontery as if you believed one word of the matter. The circumſtances of the ſale were repreſented to you by me, and you afterwards converſed with major Yates on the ſubject, (as you informed me) and you were convinced that the ſale was *bona fide* made, and that Mr. Steward had purchaſed the property; you examined the account of the ſales returned by major Yates, who ſold the property, and found that Stephen Steward, and company, were charged with it; and you were alſo informed by a gentleman, in my preſence, that he was a bidder at the ſale againſt Mr. Steward for ſome of this property, and that Mr. Steward actually did purchaſe it. In conſequence of this, you wrote a letter to the commiſſioners and directed them to bring ſuit againſt all who ſhould not bond by the 10th of September, and enclоſed a liſt in which Mr. Steward is included. You denied, before the council, that there had been any ſales in this caſe, but upon my producing your letter, and ſtating all the circumſtances of the caſe, every doubt was removed. When the accounts were made out and delivered to the attorney general, the caſe was ſtated to him, and he did not entertain a doubt that the ſtate could recover the money. It is clear that you were of the ſame opinion, or you would have ordered the property to be reſold. Can any man of candour believe that in thus endeavouring to criminate the commiſſioners, you can be actuated by worthy motives?

Your third objection to the account is ſtill more frivolous. Nothing but rooted prejudice, and diſappointed malice and reſentment could prompt a man to make the objection. Neither Mr. Hollyday or myſelf owed the ſtate one ſhilling at the time our account was paſſed. So that if there was any ſolidity in your arguments, they do not apply; and yet you have hazarded an aſſertion that the commiſſioners have taken a credit to the year 1790. But I deny that your reaſoning is founded upon the principles of law or juſtice. In a free government, where juſtice ought ever to be impartially adminiſtered, no diſtinction can be made between its citizens. The idea is quite familiar to you, but every man who wiſhes to make the law of the land the rule of his conduct muſt abhor and deteſt the principle. You were informed, during the inveſtigation of our account, that neither Mr. Hollyday nor myſelf were indebted to the public, and yet you will perſiſt in arguing againſt the conviction of your own underſtanding and conſcience, and againſt the irreſiſtible evidence of facts. With your *innate* modeſty you declare, that you, who are a *plain man*, never could have thought of ſuch an expedient as the laying out money in certificates. Your reliance on the ignorance of the public muſt be great indeed! Have you not, both in your public and private capacity, been engaged in this traffic for ſome time? Your late letter to Mr. Miller is evidence againſt you. *So limited* (I cannot ſay unbounded) *is the ingenuity* (and I may add the memory) *of man!*

Your fourth objection to the account is, that a quantity of coal and ore at the Lancaſhire works has not been accounted for in any manner to the ſtate. It is aſtoniſhing that this matter ſhould ſtill be inſiſted on, after the explanations that have been given to it. The commiſſioners early in the month of April 1781, when they firſt took poſſeſſion of the property belonging to the Principio Company, agreed with Mr. Thomas Ruſſell, who was one of the company, and had been manager for them, to carry on the works on behalf of the ſtate, and to account with the public for the produce and profits. In September 1781, the works were ſold; but the coal and ore then on hand were not ſold, as was inſiſted by Mr. Ruſſell, and the commiſſioner who attended the ſale; the purchaſer of the Lancaſhire furnace claimed it, and alleged that he bought all the property on the land called Buck's Range, or Lancaſhire Furnace, except the negroes, *live ſtock*, and houſhold furniture; it was inſiſted, on the other hand, that he bought the property with an exception of the negroes, *ſtock*, and houſhold furniture, and thus the diſpute aroſe. Mr. Ruſſell claiming the coal and ore on behalf of the ſtate, and Mr. Garretſon, by virtue of his purchaſe of the Lancaſhire furnace; colonel Ramſey, who was convinced it had not been ſold, wrote to Mr. Garretſon to deliver it up, and informed him, at the ſame time, that if he could make it appear that he had a right to it, he ſhould be paid for it. It remained under the care and management of Mr. Ruſſell until the month of February 1782, when it was ſold, and has been accounted for by the commiſſioners, ſo far as it came to their knowledge. It is alleged that there is a deficiency ſtill unaccounted for, the quantity being much leſs in February 1782, than in September 1781. If it is ſo, Mr. Ruſſell, and not the commiſſioners, is accountable; but I cannot ſuppoſe that this gentleman who was intereſted in the property, and a man of fair reputation and character, was privy to any waſte or improper application of it. You may remember, that you have acknowledged, that from teſtimony which had been diſcloſed upon the arbitration between the ſtate and Mr. Garretſon, you were of opinion, that he had no right to it.

I have now gone through your objections to the account, ſo far as you have made them known, and I flatter myſelf, that I have not only ſhewn, that the right of the commiſſioners to the commiſſion contended for is not only ſupportable, on the principles of law and equity, but that they are juſtly entitled to compenſation for ſervices where no charge has been made: I have ſhewn, that according to your ſtate of the queſtion and reaſoning upon the firſt objection, that when your errors are corrected, the commiſſioners would be entitled to more than they have contended for. Your ſecond objection cannot be conſidered as ſerious, any further than my admiſſion, that it is incumbent on the commiſſioners to prove the ſales, in caſe any of them ſhould be denied. In the inſtance you have mentioned, which I believe to be the only one, they proved it, by written evidence, to the ſatisfaction of the council. Your third and fourth objections are groundleſs, and without foundation. You ſay that the governor's opinion, ſo far as it reſpects the preſent controverſy, agrees in ſubſtance with your own. Whether it does or not, I will not undertake to ſay; but I never ſuppoſed him to be under the influence of prejudice. If he miſunderſtood the the ſubject as you did, it is no wonder that he ſhould have thought the claim unreaſonable. But your reaſoning is different, and it is eaſily diſcernible. His excellency ſeems to be miſtaken in point of fact as to Nanticoke manor, becauſe the firſt ſale, on which commiſſion was charged, was complete and finiſhed; and I take it for granted, that the obſervation I made reſpecting the coal and ore muſt have eſcaped his excellency's recollection, or it could never have made a part of his proteſt. It is obſerved in the proteſt, that it does not appear to be juſt, that a commiſſion ſhould be charged on property which ſtill remains *unſettled and in contingency*. Whether theſe words were meant to include the whole liſt of balances, even in caſes where judgment has been obtained, or the diſputed ſales only, is uncertain. If the latter only are pointed at, it is to be obſerved, that property has been ſold, for which ſuits are depending, upon the ſales of which a commiſſion will be due, ſhould the ſuits be determined in favour of the ſtate. It was obſerved to the governor and council, that this commiſſion, it was thought, would be equal to any trifling deductions which hereafter might be adjudged proper to be made upon a future ſettlement, on account of claims or diſputes; and the commiſſioners alſo expreſſed their willingneſs to give bond and ſecurity to be anſwerable for any ſuch deductions.

In the diſcuſſion of this ſubject, I believe, it will not be thought by my countrymen that any inſult has been offered to their underſtanding, or that I have contended for any thing which I did not, in my judgment and conſcience, believe to be juſtly due. When the ſubject is rightly underſtood, a deciſion, the moſt unfavourable that could have taken place, would have made the difference of ninety pounds only, to me. Thoſe who know me, will not be led to believe, that I could have been tempted by any thing ſo deſpicable, to hazard my character and reputation. But my integrity does not depend on the aſſertion of a man, who is acting in the triple capacity of *accuſer, party* and *judge*. In my conduct, I have avoided the reproaches of my own heart, and I truſt that I ſhall eſcape the cenſure of the world.

G. DUVALL.

Annapolis, October 25, 1786.

[To be continued.]

BOSTON, *September* 29.

A LETTER from a gentleman at Exeter, the 24th inſt. ſays, "They (the rioters who were made priſoners) have been examined—ſome of them appeared extremely humble and aſhamed—they were led into the miſchief by artful and deſigning men, who have kept themſelves out of the way. The greater part are releaſed, and ſent home; but ſix of the moſt culpable are in priſon, and are to be brought before the ſuperior court to-morrow."

PHILADELPHIA, *October* 13.

We learn from Kentucky, that 1500 men, regularly draughted from the different ſettlements and townſhips of that diſtrict, have actually marched on an expedition againſt the Wabaſh Indians. They are to rendezvous at the Falls of the Ohio, and to be commanded by that diſtinguiſhed warrior and partiſan, General Clarke, of Virginia, whom the Indians dread and ſtyle the Big Knife.

Extract of a letter from an officer at the Rapids of Ohio, to a gentleman in this city.

"Camp, near the Rapids of Ohio, Auguſt, 25, 1786.

"I have the pleaſure to inform you, our troops from the Miame arrived at this place on the 15th inſtant, and yeſterday we began to hut—In about one month I preſume we will complete our buildings and finiſh a ſtockade.—A few days ſince, ſome horſes were ſtolen from the neighbouring inhabitants, but whether by Indians, or a party of negroes who ran away about that time, is not aſcertained; the former, however, bears the blame.—On the 10th of next month general Clarke marches into the Indian country with a powerful army: He proceeds immediately to their towns, which he intends laying in aſhes, deſtroy their corn, kill and ſcalp as many as he may conquer.—This ſcourge they juſtly deſerve, for immediately after, and at the time of the treaty, held at the Miame, they killed and plundered the inhabitants.—The ſettlers at Kentucky have loſt upwards of five hundred horſes during the ſummer.—Should this expedition be crowned with ſucceſs, it will give peace to our frontiers for this year at leaſt, and put a total ſtop to treaties hereafter, which it ſeems has anſwered no other purpoſe than that of ſpending public money, and ſerving the private purpoſe of a few deſigning men."

ANNAPOLIS, *October* 26.

October 23, 1786.

MR. JENIFER being in Dorcheſter county, attending buſineſs directed by the general aſſembly to be done, requeſts that the public judgment may be ſuſpended upon the ſubjects in controverſy between him and his adverſaries, until he has an opportunity of examining and anſwering them. 1 X

Advertiſements, &c. omitted, will be inſerted in our next.

George-town, October 17, 1786.

Juſt arrived, in the Patowmack Planter, from London, and for ſale, by the package, and in invoices, from 300l. to 700l. ſterling each,

A LARGE quantity of goods, conſiſting chiefly of coarſe woollens, oſnabrigs, brown rolls, and other uſeful articles. Caſh, tobacco, wheat, ſtate certificates, or final ſettlements, will be taken in payment.

1 FORREST and STODDERT.

Annapolis, October 24, 1786.

By virtue of a decree of the high court of chancery, we the ſubſcribers, nominated and appointed for the purpoſe, will offer for ſale, at public vendue, on Tueſday the 7th of November next, on the premiſes, for ready money,

THE houſe and lot, the late dwelling of Mrs. Deborah Wilkins, and now in the occupation of Mr. William Wilkins; it is ſituated on South-eaſt. ſtreet and the corner of Charles ſtreet. A conveyance will be made to the purchaſer or purchaſers in fee ſimple.

1 R. G. Hiſſelius THOMAS HARWOOD, JOHN DAVIDSON.

October 26, 1786.

By virtue of a writ of *venditioni exponas* to me directed, from Anne-Arundel county court, will be expoſed to public ſale, on Wedneſday the 8th day of November next, at the houſe of Elizabeth Luſby, adminiſtratrix of Jacob Luſby, deceaſed,

ONE negro girl, aged 15 years, a walnut deſk, one ditto table, and a looking glaſs, for ready caſh only. The ſale to begin at 10 o'clock.

1 DAVID STEUART, ſheriff of Anne-Arundel county.

Annapolis, October 24, 1786.

To be SOLD, by AUCTION, for ready money, at the dwelling plantation of Mr. Thomas Beard, near Queen-Anne, on Thurſday the 9th day of November next,

NINE country born negro ſlaves, men, women, and children. The above negroes are ſold by the conſent of Mr. Thomas Beard, to diſcharge a mortgage to the ſubſcriber.

1 ALLEN QUYNN.

John Rogers October 23, 1786.

THE truſtees of the late concern of Meſſrs. Barnes and Ridgate, requeſt a general meeting of the creditors, at Port-Tobacco-town, in Charles county, on Monday the 13th day of November next. 1

THIS is to give notice, that there are three pieces of cloath in my poſſeſſion, that was brought to the fulling-mill of Gideon Gary, four or five years ago. The owner or owners are deſired to take them away and pay charges.

Joſeph Selby 1 ELIZABETH GARY.

Broad-Creek, October 21, 1786.

ALL perſons indebted to the eſtate of the late Enoch Magruder, are deſired to make immediate payment, and thoſe who have claims againſt it are requeſted to ſend them in legally atteſted, to

10 7/6 D. MAGRUDER, executor.

LOST, on Saturday the ſixth day of October, 1786, a final ſettlement CERTIFICATE, granted to Archibald Johnſon, jun. ſigned by John Pierce, commiſſioner, and counter-ſigned by John White, aſſiſtant-commiſſioner, for one hundred and twenty dollars, the date and number unknown; this to forewarn all perſons from purchaſing, or taking any aſſignment for the above certificate.

w 3 2 WALTER JOHNSON.

THERE is at the plantation of Thomas Rutland, near Annapolis, taken up as a ſtray, a black HORSE, branded on the near ſhoulder and buttock ſomething like HB, on the off buttock thus 17, has a ſnip and a ſtar in his forehead, ſhort mane and twitch tail, about fourteen hands high, and ſuppoſed to be ten years old. The owner may have him again on proving property and paying charges. 2

October 3, 1786.

NOTICE is hereby given, that a petition will be preſented to the general aſſembly, at their next ſeſſion, praying that an act may paſs, explanatory of that part of the charter of the city of Annapolis which relates to the reſidence of the electors or free voters thereof. 3 8 w

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NOTICE is hereby given, that we intend to take the depoſitions of witneſſes to eſtabliſh the will of Notley Maddox, late of Charles county, deceaſed, and to eſtabliſh our right to lands deviſed from him, on Monday the twenty-ſeventh day of November next, at the houſe of Robert D. Semmes, in Port-Tobacco-town, of which all perſons concerned are deſired to take notice.

3 HENRY MADDOCKE, NOTLEY MADDOCKE.

George town, Auguſt 29 1786.

THE inhabitants of Montgomery county intend to preſent a petition to the next general aſſembly, for two inſpections of tobacco, at George-town, in the ſaid county. 2 8 w

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ANNAPOLIS: Printed by F. and S. GREEN, at the POST-OFFICE, *Francis-Street.*

SUPPLEMENT to the MARYLAND GAZETTE.

THURSDAY, OCTOBER 26, 1786.

Charles county, September 20, 1786.

FOR SALE,

THE four following tracts of land, lying in Montgomery county, about twenty-five miles from George-town, and twenty from Frederick-town, viz. Conclusion and Number One, adjoining tracts, containing three hundred and sixty acres, about one hundred and fifty of which are cleared land under good fences; the improvements are, a good dwelling house, kitchen, barn, &c. and about four hundred bearing fruit trees. Part of Conclusion Increased, containing two hundred and twenty-nine acres, about eighty of which are cleared land, with a small log dwelling house, &c. and a few fruit trees; and part of Rich Land, containing three hundred and nineteen acres of unimproved land; the soil of the whole of these lands is well adapted for corn, wheat, or tobacco. Cash or tobacco will be taken in payment; one fourth to be paid by the first day of March next; three years credit will be given for the other three fourths, on giving bond on interest, with approved security. Any person inclining to purchase may see the land by applyigg to Mr. Baker Howard, who lives on the first mentioned place.

4X BENJAMIN REEDER.

Chester-town Races.

THE JOCKEY CLUB purse of SIXTY GUINEAS will be run for over a course near Chester-town, on Wednesday the first day of November next; and on Thursday the second, the residue of the subscriptions will be run for, the winning horse the preceding day excepted; the weights carried at both races will be agreeable to the rules laid down by the Jockey Club at Annapolis; any member of the club may start a horse, mare, or gelding belonging to any other person, provided he pays no consideration for the loan thereof, and is solely to receive the benefit of the plate if he should win.

The subscribers are requested to pay in their subscriptions to the secretary (Thomas Worrell) on or before the first day's race; the riders all to be properly dressed. The members of the club are requested to meet at the house of Edward Worrell, in Chester-town, on the day preceding the race precisely at twelve o'clock.

N. B. The first day's race will be four mile heats, and the second two mile heats.

7X

October 17, 1786.

To be SOLD at PUBLIC VENDUE, on the 10th day of November next,

A VALUABLE tract of land, containing 520 acres, lying on Rock Creek, in Montgomery county, near colonel Magruder's; there are about 100 acres cleared, on which is a small dwelling-house, one 40 feet tobacco house, a corn house, negro quarter, a good orchard, and about 8 or 10 acres of valuable meadow in grass, and there may be made 50 acres more with a small expence; the soil is equal to any in that settlement. The terms will be made known on the day of sale.

2X 2w THOMAS O. WILLIAMS.

October 7, 1786.

WANTED,

A PERSON well skilled in the business of an overseer, particularly in the management of tobacco, and would undertake to overlook three contiguous plantations, with between twenty and thirty working hands, will meet with good encouragement, on application to the subscriber, in George-town. One who understands something of keeping accounts would be preferred, and must come well recommended for his capacity to manage such an estate. 3w

2 JOHN MURDOCK.

Caroline county, August 15, 1786.

PUBLIC notice is hereby given, that a petition will be preferred to the next general assembly, praying that an act may pass for the erecting the public buildings of said county at Choptank Bridge.

8X

Port-Tobacco, September 16, 1786.

THIS is to give notice, that a petition will be presented to the next general assembly, that part of the main road which leads from Port-Tobacco to the old court-house, may be moved up a valley through the reverend Mr. Leonard Neale's plantation.

3

October 18, 1786.

Wanted immediately,

As an overseer,

A MAN that is well acquainted with the management of a number of negroes, and understands farming; none need apply that cannot be well recommended; with or without a family will be immaterial; good encouragement will be given to a man that understands his business. Inquire of the Printers. 2

To be RENTED,

A VERY good grist-mill with two pair of stones, bolting-clothes, and every thing convenient, with a large meadow, lying on the Head of South river. Any person inclinable to rent may have possession in December. 2w

2 FRANCIS RAWLINGS.

Annapolis, October 9, 1786.

FROM this day the subscriber intends to quit tavern keeping, and hopes all his old customers will call on him and pay off their respective accounts as he is in very great want of money; he would be very glad, such as cannot pay him would call and settle by note or bond.

He begs leave to inform the public, that he intends to keep a boarding-house by the year, half year, quarter, month, week, or day, as reasonable as any genteel boarding house in town. Any gentlemen or ladies that will favour him in that way with their custom, may depend on his doing every thing in his power to oblige.

3X GILBERT MIDDLETON.

October 9, 1786.

I INTEND to petition the next general assembly for restitution of, or compensation for, that part of my confiscated property which remains unsold.

3 JOHN SHUTTLEWORTH.

THIS is to give notice, that I intend to prefer a petition to the next general assembly for an act to confirm my right to part of a tract of land, called Beall's Goodwill, the late property of Henry Hunter, deceased, which he devised to be sold. 8w

4 THOMAS MORTON.

IN consequence of an advertisement of mine forewarning all persons, indebted at either of my stores in Virginia or Maryland, from settling any of their accounts with Mr. John Petty, that gentleman has been pleased to return for answer, that my prohibition was as unjust as my allegation was without foundation; that it was with concern he found himself under the necessity of entering into a public altercation about his private affairs, and should I persist in my unjustifiable accusations, a full account of my transactions with, and conduct towards, Yates and Petty, would enable an impartial public to judge which of the parties had the greatest reason to complain of ill treatment. I would beg leave to inform the gentleman, that it is as disagreeable to me as it can possibly be to him to appear in the public prints, though, at the same time, very willing to appear any where to justify that conduct which I have and hope ever shall be able to reconcile to my own conscience. As he has now broached the matter, I insist on his laying before the public *my conduct* to Yates and Petty, and trust I shall be very easily able to confute any untruths he may expect to impose upon the public, by an open and candid definition of the same; that my prohibition is *unjust*, is an assertion as illiberal as 'tis ungrounded. I hope those gentlemen indebted as before mentioned, will pay no attention to Mr. Petty's request of paying their respecting accounts to him, as it will only involve them in law-suits, for I am determined to sue every person that has or shall pay any money to Mr. Petty (for dealings at either of my stores previous to the fourth of February) since the public notice I have given.

9 THOMAS RUTLAND.

September 22, 1786.

THIS is to give notice, that sundry of the inhabitants of Montgomery, Frederick, and Washington counties, intend to present a petition to the next general assembly, for one more inspection for tobacco, at George-town, on Patowmack river. 4 8w

...appointed to fill the vacancy occasioned by the resignation. *Mr. Hollyday, colonel Ramsey, and myself, transacted the business until November 1782, when a resignation by me became necessary on my acceptance of a seat in council. From that time, Mr. Hollyday and colonel Ramsey continued the business, until the resignation of the latter sometime in August or September 1784. In September, I was re-appointed, and the business of the commissioners was finished by Mr. Hollyday and myself, and our accounts closed, in December 1785.*

...and property were ... d until late in the year 1785; and you will also find, that some of the sales of property in those years were set aside by you, and resales directed, after the passage of the act to establish funds, &c. in 1785. If you were as industrious in your inquiries after truth as you have been in hunting up frivolous charges against the commissioners, you might satisfy yourself of the propriety of their conduct, without stuffing a news-paper with such silly and impertinent questions. You have assum, the purchaser charged accordingly, and a commission illegally and unjustly drawn upon the whole amount, although it may hereafter be necessary, for the reasons I have already given, upon a *proper settlement* of your accounts, to make considerable deductions. It is not a little wonderful, that in paying yourself the commission, that the doctrine of dis-

† *George Digges, John Bracco Zephaniah Turner, Allen Quynn, and Thomas Crampton, Esquires.*

their accounts were ſtated, the balances aſcertained, and the ſuits commenced, they are entitled to the commiſſion. The buſineſs as to *them* is finiſhed and ſo at end. It is ſhould deny th miſſioners to ſion; it is a compony, are the commiſſio who the com Stephen Stewa purchaſed the cannot prove was the purcha confidence and of the matter. preſented to yo with major Ya me) and you *fide* made, and property; you turned by maj found that St charged with it tleman, in my ſale againſt Mr. that Mr. Stewa quence of this, and directed th not bond by the in which Mr. S fore the council caſe, but upon all the circumſt moved. Whe livered to the him, and he could recover of the ſame opi property to be lieve that in th miſſioners, you

Your third volous. Both pointed malic make the obje owed the ſtate paſſed. So th guments, they zarded an aſſe a credit to the ſoning is found In a free gover impartially adm tween its citize but every man the rule of his c ciple. You w of our account, ſelf were indebt ſiſt in arguing derſtanding and evidence of fact clare, that you thought of ſuch in certificates. public muſt be your public and traffic for ſome is evidence aga bounded) *is th of man!*

Your fourth quantity of coal not been accou is aſtoniſhing th after the explan commiſſioners e they firſt took p the Principio C ſell, who was o nager for them, ſtate, and to ac and profits. In but the coal and inſiſted by Mr. tended the ſal nace claimed property on th ſhire Furnace, hold furniture, he bought the groes, *ſtock*, and pute aroſe. M behalf of the ſta purchaſe of the who was convin Garretſon to de ſame time, that a right to it, under the care the month of F has been accoun it came to their a deficiency ſtill much leſs in Fe If it is ſo, Mr. accountable; b who was intere reputation an improper app you have ac had been dir ſtate and Mr. had no right to

I have now gone through your objections to the account, ſo far as you have made them known, and I flatter myſelf, that I have not only ſhewn, that the right of the commiſſioners to the commiſſion contended for is not only ſupportable, on the principles of law and equity, but that they are juſtly entitled to compenſation for ſervices where no charge has been made: I have ſhewn, that according to your ſtate of the queſtion and reaſoning upon the [illegible] that when your attending buſineſs directed by the general aſſembly to be done, requeſts that the public judgment may be ſuſpended upon the ſubjects in controverſy between him and his adverſaries, until he has an opportunity of examining and anſwering them.

Advertiſements, &c. omitted, will be inſerted in our next.

George-town, October 17, 1786.

Juſt arrived, in the Patowmack Planter, from London, and for ſale, by the [illegible] and in invoices from Nottingham, Patuxent river, Prince-George's county, September 15, 1786.

PUBLIC SALE,

OF a very valuable eſtate, by virtue of a deed of truſt from Mr. Walter Brooke Cox and Anne his wife, to Fielder Bowie and Anne Cox, executrix of Thomas Smith Cox, bearing date the 9th of May 1786, which ſaid deed of truſt was made by the ſaid Mr. Walter Brooke Cox, in conſequence of the ſaid Fielder Bowie and Thomas Smith Cox, deceaſed, having become ſecurity for the ſaid Mr. Walter Brooke Cox to Samuel Hughes, Eſq; and for which ſaid debt judgment hath been obtained, and execution iſſued againſt the principal and his ſecurities, for the payment of which, will be expoſed to public ſale, on Thurſday the 14th of December next, if fair, if not the next fair day, on the premiſes, for ready money, the following tracts or parcels of land; Orchard, containing 190 acres; Quick Sale, 52; Part of Twiford, containing 108; Part Littleworth, containing 20 acres; and Good Luck, 39 acres; in the whole making 499 acres; all which ſaid lands lieth adjoining to each other, and ſituate within half a mile of the town of Nottingham, on Patuxent river. This land is very level, and well adapted to corn, wheat, rye, and tobacco, and has the advantage of an extenſive range for all kinds of ſtock, with wood ſufficient to ſupport the whole with care. On the premiſes are, a convenient dwelling houſe, kitchen, meat houſe, corn houſe, three tobacco houſes, and two negro quarters, all in but bad repair, two ſmall orchards of excellent fruit; part of this plantation is under good fence. This land will be ſold as will beſt ſuit, together or ſeparate; the title thereof is indiſputable. At the ſame time and place will be ſold, one other tract of land, it is the preſent reſidence of Mr. Walter Brooke Cox, containing about 128 acres, on which are, a good and convenient dwelling houſe, kitchen, quarter, corn houſe, &c, &c. There is likewiſe on this tract a great variety of fruits; it is a beautiful ſituation, and the ſoil good, and has a never failing ſpring of good water near the buildings.

And on Monday the 18th of December next, if fair, if not the next fair day, will be ſold on the ſame terms, the following tract of land, in Montgomery county, about 8 miles from Bladenſburg, 10 from George-town, and 35 from Baltimore-town, containing 517 acres, on this place is erected a convenient and comfortable dwelling houſe 38 by 28, with three rooms and a paſſage below, two rooms above ſtairs, and brick chimnies, with all neceſſary outhouſes, ſuch as kitchen, negro quarters, ſtables, and tobacco houſes; there are alſo on this land, about half a mile from the former, a good dwelling houſe with ſtone chimnies, and all neceſſary outhouſes; there are a great variety of fruit trees of all kinds on both theſe tenements; the ſoil is well adapted to the cultivation of corn, wheat, and tobacco, and as it is ſo conveniently ſituated to thoſe ſeveral capital and improving trading towns, there cannot be a doubt but it will become very valuable in a few years. And alſo, on Thurſday the 14th of December, will be ſold to the higheſt bidder, nineteen valuable country born ſlaves, conſiſting of men, women, boys, and girls; alſo all the horſes and cattle, among which are ſome valuable oxen, and all the plantation utenſils. Attendance will be given on the days appointed, by

6 FIELDER BOWIE,
ANNE COX, executrix of
Thomas S. Cox.

ANNAPOLIS RACES.

ON Friday the 10th of November, 1786, will be run for over the courſe near Annapolis, a ſubſcription **PURSE** of **SIXTY POUNDS**, free for any horſe, mare, or gelding, except the horſe winning the Jockey Club purſe; heats four miles each; four years old to carry ſeven ſtone, five years old to carry ſeven ſtone ten pounds, ſix years old to carry eight ſtone ſeven pounds, aged nine ſtone.

On Saturday the 11th of November, a **PURSE** of **THIRTY POUNDS**, free for any horſe, mare, or gelding, of three and four years old, four years old to carry ſeven ſtone, three years old a feather; heats two miles each.

Any horſe winning two clear heats to be entitled to the purſe; three horſes to ſtart each day or no race, the winning horſe the firſt day excluded the ſecond day.

No member of the Jockey Club, reſident of Annapolis, or Anne-Arundel county, that has not ſubſcribed one guinea to the town purſes, to be allowed to ſtart a horſe, nor will any horſe, mare, or gelding, belonging to ſuch a member be allowed to ſtart.

Entrance the firſt day eight dollars, and for the ſecond four dollars; the horſes to be entered with Mr. George Mann the day preceding the race, or pay double entrance at the poſt, and to ſtart each day at eleven o'clock. Proper judges will be appointed for the race. 2

Annapolis, Auguſt 9, 1786.

WHEREAS Mr. Thomas Rutland hath thought proper to publiſh an advertiſement forewarning all perſons indebted for dealings at either of his ſtores in Virginia or Maryland, from paying any money to Mr. John Petty, in behalf of the firm of Yates and Petty, and has aſſigned for the reaſon of ſuch publication, that the ſaid Petty had broken the award determined on by gentlemen mutually choſen to adjuſt their differences, I think it proper to inform the public, that the prohibition of Mr. Rutland is as unjuſt as his allegation in this reſpect is without foundation. The ſuppoſed breach of the arbitration ariſes in his opinion, as far as I can conjecture, on the ſuit commenced by Yates and Petty for the recovery of a very conſiderable balance due to them from Mr. Rutland, buf a little reflection muſt convince him that his conduct in diſpoſing of a conſiderable part of his eſtate, ſubſequent to the award, rendered this ſtep abſolutely neceſſary, and that Yates and Petty are fully juſtified in purſuing it, by the terms of the award made by the gentlemen appointed, of which all perſons may be fully ſatisfied by applying at the ſtore of Mr. Petty, in Annapolis. It is with concern that the ſubſcriber finds himſelf under the neceſſity of entering into a public altercation reſpecting his private affairs, but ſhould Mr. Rutland perſiſt in his unjuſtifiable accuſations, a full account of his tranſactions with and conduct towards Yates and Petty, will enable an impartial public to judge which of the parties has the greateſt reaſon to complain of ill treatment.

The ſubſcriber takes this opportunity of requeſting all perſons indebted for dealings at the ſtores (late Mr. Rutland's) in Virginia or Maryland, to make him immediate payment of their reſpective accounts, or he ſhall be under the neceſſity of making uſe of compulſory meaſures to recover the ſame, which will be very diſagreeable to their

9 Moſt obedient humble ſervant,
JOHN PETTY.

Annapolis, July 21, 1786.

Lands for Sale.

THE ſubſcriber has for ſale all that tract of land called Beall's Plantation and Snowden's Reputation Supported, containing about 700 acres, ſituated on the Head of South river, about three miles from navigable water, and contiguous to the eſtate of Mr. Richard Hopkins, of Gerard.

This is a moſt eligible ſituation, being about twelve miles from the city of Annapolis, twenty-eight from Baltimore-town, twenty-four from George-town, and ſeven from the inſpection houſes of Indian Landing and Queen-Anne, is well adapted for corn, wheat, and particularly tobacco, alſo well timbered and watered, a very good mill ſtream runs through it; there is ſome meadow ground, and much more may be made.

The improvements upon it are, a good dwelling houſe with three large rooms on each floor, kitchen, quarter, cornhouſe, ſtables, tobacco houſe, a very fine apple orchard, together with a number of other valuable fruit trees.

Mr. Richard Hopkins will ſhew the premiſes above mentioned; further particulars may be had of the printers, of Meſſieurs William Patterſon and brothers, Baltimore, or of tf

13 JOHN WADDINGTON, in Philadelphia.

Prince-George's county, Auguſt 27, 1786.

THE ſubſcribers requeſt all perſons who may have any claims againſt the eſtate of Levin Covington, late of the county aforeſaid, deceaſed, to ſend them in immediately, properly authenticated, as they intend to paſs a final account on the ſaid eſtate in October next.

4 SUSANNAH COVINGTON, adminiſtratrix,
LEVIN MACKALL, adminiſtrator.

[illegible] MADDOCKE.

George town, Auguſt 29 1786.

THE inhabitants of Montgomery county intend to preſent a petition to the next general aſſembly, for two inſpections of tobacco, at George-town, in the ſaid county. 1 3w

ANNAPOLIS: Printed by F. and S. GREEN, at the POST-OFFICE, *Francis-Street.*